IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4175 OF 2006

Dilip Shabaji Khatale .. Applicant
Versus
State of Maharashtra .. Respondent

Shri.S.S.Kulkarni for the applicant.
Shri.S.S.Pednekar, A.P.P. for the State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 13th December 2006.

P.C. . Applicant is one of the borrowers of the credit society pertaining to which C.R.No.271 of 2006 is registered by Panchavati police station andnow transferred to E.O.W., Crime Branch, Nashik.

2. For reasons which are assigned in case of applicants who are not Directors and concerned with the management of the society, but borrowers whose amounts are outstanding, this applicant deserves to be enlarged on pre-arrest bail.

However, the applicant does not dispute that Rs.12,25,273/- are in arrears towards the shop pertaining to which his wife has borrowed the amount. He has give colateral security of his residential bungalow for due repayment of the loan amount along with interest.

3. Mr.Kulkarni, after taking instructions from applicant who is present in court, makes a statement that the residential bungalow has been attached by the Administrator for recovery of this amount and the attachment can continue. However, applicant would give a proposal for an over all settlement failing which the Administrator can take such steps as are permissible in law for recovery, including disposing of the residential bungalow/immovable property. Mr.Kulkarni further states on instructions that by 22nd December 2006, the applicant would deposit a sum of Rs.1 lakh with the Administrator and for the balance sum of

Rs.11,25,273/-, he shall forward a written proposal within the above period.

4. Mr.Pednekar, learned A.P.P. states that the amount would be accepted without prejudice to the rights and contentions of the parties and the Administrator would duly consider the representation/proposal to be forwarded upon payment of Rs.1 lakh. Needless to state that proposal for an overall settlement would be considered in accordance with prevailing norms and directions by Administrator and if it is open for him to accept the amounts/deposits from friends and well-wishers of the applicants, the said aspect would also be looked into by him. Hence, following order:- i) In the event of the arrest of the applicant in connection with C.R.No.271 of 2006 registered with Panchavati Police Station, the applicant shall be enlarged on bail in the sum of Rs.50,000/- with one or two sureties in the like

amount.

ii) The bail is granted subject to condition that the applicant to forthwith surrender his passport, if any, to the I.O. Applicant shall not leave Nashik city without prior permission of trial court. The applicant shall report to E.O.W.Crime Branch, Nashik once a week on every Monday between 11.00 a.m. and 1.00 p.m. till the charge sheet is filed and thereafter as directed by the trial court till conclusion of trial.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the

Court or to the police officer/ investigating agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an

authenticated copy of this order.

(S.C.DHARMADHIKARI, J)